

# ENVIRONMENTAL LEAD NEWSLETTER

February 1999

## Updates and Announcements

### Third Party Examinations

Kentucky regulations require that a 3<sup>rd</sup> party examination be taken in addition to the examination taken at the end of the completion of a course. The interpretation of the regulations were, that only the EPA 3<sup>rd</sup> party test was accepted. However under certain circumstances, depending of the date that the 3<sup>rd</sup> party examination was taken, the Assessment Systems, Inc. (ASI) examination may be accepted. This is the test that Ohio, Georgia and a few other states are using.

### Abatement Permit Issues

Regulatory permit requirements include both interior and exterior fees, and each would require different occupant protection issues. In addition, separate clearance and agency quality assurance inspection activities are required. Therefore, a building unit with both interior and exterior abatement activities will require the payment of both fees, and appropriate protection plans.

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## Inspector/Risk Assessor Issues

Kentucky regulatory interpretation of an inspection is a surface by surface examination to determine the presence of lead. This does indicate how many surfaces this includes; therefore a limited inspection requires certification by the agency. The distinction is the collection of paint, soil, or dust samples, or use of an XRF. A visual review by a risk assessor in target housing or child occupied facilities alone, without sample collection, would not require agency certification.

It is up to the certified inspector or risk assessor to determine the clients need, and complete the appropriate inspection or assessment as required per disclosure or pre-abatement activities, etc. In all cases, either limited or not, the certified individual is required to submit a copy of the report to the agency.

## Supervisor/Project Designer Issues

Interior abatement is the removal of paint from any interior surface, or the removal of an interior structure or component. Therefore, window removal and replacement is considered as interior abatement since some of the window components are in the interior. However visual and cleanup is required in the interior and exterior of the unit(s).

The removal of the entire window unit including framing, requires additional residential protection, and work site preparation as indicated in Chapter 8 of HUD guidelines.

As indicated in past newsletters, in Kentucky a certified project designer is required to be involved in preparing plans for ten (10) or more units. In the past sub-division to smaller projects, of HUD larger projects have allowed for the use of supervisors.

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### **Abatement Permit Issues – cont-**

In addition, soil abatement is considered as an exterior abatement activity. This should be taken into consideration at the time that the company is bidding a project.

### **EPA Disposal Rule Changes**

EPA is proposing new rules on the management and disposal standards for lead-based paint debris. Those effected by the rule are persons and firms who renovate, remodel, demolish, abate, or delead residences or public and commercial buildings or transport LBP debris. Two years after EPA finalizes these rules, certain LBP debris from these locations would not be subject to Federal RCRA hazardous waste management requirements. However some state requirements may be more stringent.

Additional, information can be obtained at the following internet website:

[www.epa.gov/epahome/rules..html#proposed](http://www.epa.gov/epahome/rules..html#proposed).

### **Company Issues**

On the initial application for certification an abatement company must provide the agency a listing of certified individuals who will be conducting lead-hazard abatement activities (902 KAR 47.080 Section 4). After the initial certification the company is required to update and submit a new listing of certified workers.

This agency uses the listing to review for certified individuals at work sites, however the update of the listing is the responsibility of the company. Unrecognized workers can be a problem. For example, a worker not on the certified listing will not be allowed to work at the site, until such time the company shows proof of certification.

### **Supervisor/Project Designer Issues –cont-**

This was due in part to the lack of a model EPA designer course and the availability of certified designers. The agency is reevaluating this variance, since the designer course is now available. In addition, some housing authorities require the use of a project designer, and want keep the activities under one project, and permitted as such.

Although a large project may have one overall plan submission, information indicated in the plan must be unique to each residential dwelling. This relates to the agency quality assurance inspection(s).

The agency is required to conduct the quality assurance inspection(s) to determine if the activities comply with certification requirements, work practice and performance standards.

Individuals who wish to be certified as a project designer they must pass a supervisor course and 3<sup>rd</sup> party examination, and pass the project designer course. Note that specific educational and/or experience is also required as per 902 KAR 47:090 Section 4 , paragraph (d).

### **Training Provider Issues**

In the past the agency has not accepted certification as workers individuals who have completed and passed the lead hazard supervisor course, but not taken the basic worker course. Although technically this is not the appropriate course discipline according to regulation (902 KAR 47:90) in the future the agency will certify these individuals as workers if they do not wish to take the 3<sup>rd</sup> party examination, etc. and become supervisors.